

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
HEALTH & WELFARE FUND OF THE :
UNITED FOOD & COMMERCIAL :
WORKERS LOCAL 2013, AFL-CIO, :
by its trustees Louis Mark Carotenuto and :
Stanley Fleishman, :

Plaintiff, :

v. :

MILMAR FOOD GROUP, LLC, :
Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/13/2020

ORDER

20 CV 7847 (VB)

-----x

On September 23, 2020, plaintiff Health & Welfare Fund of the United Food & Commercial Workers Local 2013, AFL-CIO, by its trustees Louis Mark Carotenuto and Stanley Fleishman, commenced the instant action against defendant Milmar Food Group, LLC. (Doc. #1).

On October 19, 2020, plaintiff docketed a proof of service indicating service on defendant on October 9, 2020. (Doc. #6). Accordingly, defendant had until October 30, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendant has neither appeared in this action nor answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendant remains in default, plaintiff is ORDERED to seek a certificate of default as to defendant by November 30, 2020, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by December 14, 2020. If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: November 13, 2020
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge